

ASSEMBLY BILL

No. 1883

Introduced by Assembly Member Evans

February 16, 2010

An act to add and repeal Section 103628.4 of the Health and Safety Code, and to add and repeal Section 18309.7 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1883, as introduced, Evans. Certified copies of vital records: fees: domestic violence.

Existing law requires the collection of fees for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records.

Existing law authorizes the county boards of supervisors of Contra Costa County and Alameda County, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to a certain maximum amount. Existing law, until January 1, 2011, authorizes the Solano County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law, until January 1, 2015, authorizes the Sonoma County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law authorizes the above-described county boards of supervisors and that city council to make further increases in fees each year, as specified. Existing law requires the fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill, until January 1, 2016, would authorize a county board of supervisors, upon making certain findings and declarations, to authorize an increase in fees of \$4 for certified copies of certain vital records. The bill would require that \$2 of the fee increase be allocated for purposes relating to domestic violence prevention, intervention, and prosecution and \$2 of the fee increase be allocated for nonshelter-based domestic violence programs that primarily focus on serving domestic violence victims and their families.

This bill, until January 1, 2016, notwithstanding the above-described authorization, would authorize the county boards of supervisors of Contra Costa County and Alameda County, and the City Council of the City of Berkeley, to authorize a \$2 increase in fees for certified copies of certain vital records. This bill, until January 1, 2011, notwithstanding the above-described authorization, would authorize the Solano County Board of Supervisors, to authorize a \$2 increase in fees for certified copies of certain vital records. This bill, until January 1, 2015, notwithstanding the above-described authorization, would authorize the Sonoma County Board of Supervisors, to authorize a \$2 increase in fees for certified copies of certain vital records. The bill would require proceeds from the above-described \$2 fee increases to be allocated for nonshelter-based domestic violence programs that primarily focus on serving domestic violence victims and their families.

This bill would provide that when the authorization for the \$2 fee increase ends for Solano County and Sonoma County on January 1, 2011, and January 1, 2015, respectively, the above-described provisions authorizing an increase in fees of \$4 shall apply with respect to those counties.

This bill would require that, prior to using the fee proceeds, a county board of supervisors or the City Council of the City of Berkeley provide for public hearings and comment on the specific manner in which funds are to be used and confer with its local domestic violence shelter or shelters before determining the specific manner in which funds are to be used.

The bill would require a county board of supervisors or the City Council of the City of Berkeley to submit to the Assembly and Senate Committees on Judiciary, by December 31, 2015, a report regarding the above fee increases, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 103628.4 is added to the Health and
2 Safety Code, to read:

3 103628.4. (a) (1) Except as provided in paragraphs (2) to (4),
4 inclusive, a county board of supervisors, upon making findings
5 and declarations on the need for governmental oversight and
6 coordination of the multiple agencies dealing with domestic
7 violence and the need for funding for nonshelter-based domestic
8 violence programs, may authorize a four dollar (\$4) increase in
9 fees imposed for providing certified copies of marriage certificates,
10 birth certificates, fetal death records, and death records.

11 (2) Notwithstanding paragraph (1), the Contra Costa County
12 Board of Supervisors, the Alameda County Board of Supervisors,
13 and the City Council of the City of Berkeley, upon making findings
14 and declarations on the need for funding for nonshelter-based
15 domestic violence programs, may authorize a two dollar (\$2)
16 increase in fees imposed for providing certified copies of marriage
17 certificates, birth certificates, fetal death records, and death records.

18 (3) (A) Until January 1, 2011, notwithstanding paragraph (1),
19 the Solano County Board of Supervisors, upon making findings
20 and declarations on the need for funding for nonshelter-based
21 domestic violence programs, may authorize a two dollar (\$2)
22 increase in fees imposed for providing certified copies of marriage
23 certificates, birth certificates, fetal death records, and death records.

24 (B) On and after January 1, 2011, paragraph (1) shall apply with
25 respect to the Solano County Board of Supervisors.

26 (4) (A) Until January 1, 2015, notwithstanding paragraph (1),
27 the Sonoma County Board of Supervisors, upon making findings
28 and declarations on the need for funding for nonshelter-based
29 domestic violence programs, may authorize a two dollar (\$2)
30 increase in fees imposed for providing certified copies of marriage
31 certificates, fetal death records, and death records.

32 (B) On and after January 1, 2015, paragraph (1) shall apply with
33 respect to the Sonoma County Board of Supervisors.

34 (b) The fee increase authorization for certified copies of vital
35 records pursuant to paragraphs (2) to (4), inclusive, of subdivision
36 (a), with respect to the Contra Costa County Board of Supervisors,
37 the Alameda County Board of Supervisors, the City Council of
38 the City of Berkeley, the Solano County Board of Supervisors,

1 and the Sonoma County Board of Supervisors, shall be in addition
2 to the fee increase authorization for those counties and that city
3 pursuant to Sections 103626, 103627, 103628, and 103628.2,
4 respectively.

5 (c) Revenue from the fees authorized pursuant to subdivision
6 (a) shall be allocated pursuant to Section 18309.7 of the Welfare
7 and Institutions Code.

8 (d) If it elects to increase fees pursuant to this section, a county
9 board of supervisors or the City Council of the City of Berkeley
10 shall submit to the Assembly and Senate Committees on Judiciary
11 a report no later than December 31, 2015. The report shall contain
12 the following information:

13 (1) The annual amounts of funds received and expended from
14 fee increases.

15 (2) Outcomes achieved as a result of the activities associated
16 with the implementation of this section.

17 (e) This section shall remain in effect only until January 1, 2016,
18 and as of that date is repealed.

19 SEC. 2. Section 18309.7 is added to the Welfare and
20 Institutions Code, to read:

21 18309.7. (a) A county board of supervisors shall direct the
22 local registrar, county recorder, and county clerk to deposit fees
23 collected pursuant to Section 103628.4 of the Health and Safety
24 Code into a special fund.

25 (b) Proceeds from the four dollar (\$4) fee increase collected
26 pursuant to paragraph (1) of subdivision (a) of Section 103628.4
27 of the Health and Safety Code shall be allocated as follows:

28 (1) Two dollars (\$2) of the fee for governmental oversight and
29 coordination of domestic violence and family violence prevention,
30 intervention, and prosecution efforts among the court system, the
31 district attorney's office, the public defender's office, law
32 enforcement, the probation department, mental health, substance
33 abuse, child welfare services, adult protective services, and
34 community-based organizations and other agencies working in the
35 county in order to increase the effectiveness of prevention, early
36 intervention, and prosecution of domestic and family violence.

37 (2) Two dollars (\$2) of the fee for nonshelter-based domestic
38 violence programs that primarily focus on serving domestic
39 violence victims and their families.

1 (c) Proceeds from the two dollar (\$2) fee increase collected
2 pursuant to paragraph (2) of, subparagraph (A) of paragraph (3)
3 of, and subparagraph (A) of paragraph (4) of subdivision (a) of
4 Section 103628.4 of the Health and Safety Code shall be allocated
5 for nonshelter-based domestic violence programs that primarily
6 focus on serving domestic violence victims and their families.

7 (d) Funding available to nonshelter-based domestic violence
8 programs pursuant to paragraph (2) of subdivision (b) and
9 subdivision (c) shall be awarded to the program through a
10 competitive request for proposal process.

11 (e) Prior to using the funds collected pursuant to Section
12 103628.4 of the Health and Safety Code, the county board of
13 supervisors or the City Council of the City of Berkeley shall do
14 both of the following:

15 (1) Provide for public hearings and comment on the specific
16 manner in which funds are to be used.

17 (2) Confer with its local domestic violence shelter or shelters
18 before determining the specific manner in which funds are to be
19 used.

20 (f) This section shall remain in effect only until January 1, 2016,
21 and as of that date is repealed.